IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR. JUSTICE C.V.RAMULU

-

WRIT PETITION NO.8559 of 2005

Between:

M/s. Teknomin Aqua Exports (India) Ltd.,
Ankalapatur Village, Chilkaur Mandal, Nellore District,
rep., by its Managing Director Mr.P.M.Rao, S/o P.Venkateswarlu, R/o Gudur, Nellore District.

..... PETITIONER

AND

1 The Commissioner of Customs & Central Excise,

C.R.Buildings, Kannavarithota, Guntur-522 004.
2 The Development Commissioner (IC), Visakhapatnam,
Special Economic Zone, Duwwada, Visakhapatnam.
3 The Assistant Commissioner of Customs & Central Excise,

Nellore Division, S.M.Towers, Dargamitta,
Nellore-524 003.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order especially in the nature of writ of mandamus directing the third respondent to dispose of the petitioner's request dated 01-03-2005 and 17-03-2005 for de-bonding the petitioner's factory in order to facilitate the exist from 100% Export Oriented Unit Scheme and permit the petitioner to sell the surplus

assets for discharge of the pending customs duty liability and the excise duty liability on the de-bonding of the factory premises and pass such other order(s) as this Hon'ble Court deems fit and proper.

Counsel for the Petitioner :Mr.S.RAVI

Counsel for the Respondents : Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GENERAL)

The Court made the following :

ORAL ORDER: (Per Hon'ble Sri Justice B.Sudershan Reddy)

We have heard learned counsel for the petitioner and learned Assistant Solicitor General appearing on behalf of respondents and at their request, the matter is taken up for disposal even at the admission stage without deciding any of contentions raised in this writ petition.

The petitioner prays for issuance of a writ of mandamus directing the third respondent to dispose of the petitioner's request dated 01-03-2005 and 17-03-2005 for

debonding the petitioner's factory in order to facilitate the exit from 100% Export Oriented Unit Scheme and permit the petitioner to sell the surplus assets for discharge of the pending customs duty liability and the excise duty liability on the debonding of the factory premises.

In our considered opinion, interest of justice would be met by directing the third respondent to dispose of the petitioner's representation dated 01-03-2005 and 17-03-2005 for debonding the petitioner's factory in accordance with law. There is no

justification on the part of third respondent to keep the request dated 01-03-2005 and 17-03-2005 pending without taking any decision thereon. The learned Assistant Solicitor General, however, contends that the petitioner has adopted this device in order to get over the order passed by this Court in C.M.P.No.11451 of 2004 in C.E.A.No.17 of 2004 dated

24-01-2005 under which this Court specifically refused to grant stay as prayed for by the petitioner. We may hasten to clarify that the order which we propose to pass in no manner shall affect or amount to modifying the order passed in C.M.P.No.11451 of 2004 in C.E.A.No.17 of 2004 dated 24-01-2005.

In the circumstances, we direct the third respondent herein to dispose of the petitioner's request dated 01-03-2005 and 17-03-2005 as expeditiously as possible, within a period of three weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

The writ petition is accordingly disposed of.

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B.SUDERSHAN REDDY, J

_____

C.V.RAMULU, J

25-04-2005

Note:

Despatch copy of this order by tomorrow.

(b/o)

bsc

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner of Customs & Central Excise,

C.R.Buildings, Kannavarithota, Guntur-522 004.
2 The Development Commissioner (IC), Visakhapatnam,
Special Economic Zone, Duwwada, Visakhapatnam.
3 The Assistant Commissioner of Customs & Central Excise,

Nellore Division, S.M.Towers, Dargamitta,
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